

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

vs.

Case No. 8:03-CR-77-T-30TBM

GHASSAN ZAYED BALLUT

**DEFENDANT GHASSAN BALLUT'S EX PARTE MOTION FOR ORDER
APPROVING RECOMMENDATION FOR C.J.A. FUNDS FOR INVESTIGATOR**

The Defendant, GHASSAN ZAYED BALLUT, by and through his undersigned counsel, pursuant to the Criminal Justice Act at 18 U.S.C. § 3006A, hereby requests this Honorable Court for an order approving the Report and Recommendation of the Magistrate (Dkt. 545) for funds to conduct the investigation and interviewing of witnesses in the area of Chicago, Illinois, in support of the Defendant's defense at trial, and as grounds therefor states:

1. Upon the Defendant's Ex Parte Motion for the Allocation of Funds (Dkt. 524), the Report and Recommendation of the Court filed May 28, 2004 (Dkt. 545), recommended that the Defendant be authorized to hire an investigator to perform investigative work and interviews of witnesses in the Chicago area to assist in the preparation of the Defendant's defense, approving 50 hours of investigative work at \$60.00 per hour for a total of \$3,000.00.

2. Based upon the Report and Recommendation, the Defendant's undersigned counsel subsequently contacted and interviewed an investigator in the Chicago area who performed some initial investigation in the gathering of documents and the contacting of witnesses and who has incurred some costs in these efforts.

3. The Defendant's undersigned counsel has scrutinized the docket entries in this case

pertaining to the Defendant in the months subsequent to the filing of the Report and Recommendation and cannot locate any order or endorsement approving the Report and Recommendation for investigative funds.

4. The Defendant continues to require the services of an investigator services to complete the interviewing of potential witnesses in the Chicago area even after trial commences, as additional information obtained through the examination of witnesses at trial may lead to the discovery of additional witnesses in the Chicago area who can be timely interviewed during the prolonged trial and whose testimony would be relevant to the Defendant's defense.

WHEREFORE, the Defendant requests this Honorable Court to issue its Order approving the Report and Recommendation (Dkt. 545) and authorization an amount up to \$3,000.00 for investigative work.

Memorandum of Law

Where a defendant in a federal criminal case is unable to obtain investigative, expert, or other services necessary for adequate representation, the defendant may request in an ex parte application that the Court make an appropriate inquiry into the necessity of the services and authorize appointed counsel to obtain the services. 18 U.S.C. § 3006A(e)(1). In this proposal, the Defendant requests the Court to authorize his appointed counsel to enlist the services of an investigator to conduct interviews and investigations of potential witnesses who the Defendant has reason to believe are available in the Chicago area. The Report and Recommendation supports a budget of \$3,000.00 for this purpose which appears justified by the circumstances of this case in order to provide the Defendant with an adequate defense.

Respectfully submitted,

/S Bruce G. Howie

Bruce G. Howie

Florida Bar No. 263230

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